

REMARKS

In view of the following remarks, reconsideration and withdrawal of the objections and rejections set forth in the Office Action of September 27, 2004, are earnestly solicited.

Claims 1—10 remain pending in the application.

The Examiner's objection to the Title of the application is not understood. The claims are directed to "A method of detecting misfire in an engine." Hence, "Engine Misfire Detection" appears to clearly indicate the invention to which the claims are directed. The Examiner is respectfully requested to clarify the objection or withdraw same.

Claims 1—10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Scherer et al. (5,889,204). The rejection is respectfully traversed.

As the Examiner concedes, Scherer et al. is totally silent on the concept of engine misfire detection. The Examiner's conclusion that it would have been obvious to detect an engine misfire event based on the linear model as claimed is therefore without support in the art of record and appears to have been reached only with the assistance of Applicants' disclosure. There is likewise no evidentiary support for the Examiner's position that "Vibrating piston travel movement is well known to include engine firing events such as misfire events." Claims 1—10 are therefore believed to be patentably distinguishable over Scherer et al.

Claims 1—10, as originally submitted are believed to be in condition for allowance,
early acknowledgment of which is requested.

Respectfully submitted,

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